

Message Text

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TAGS:ICRC/PARM, PFOR, NATO

SUBJECT:INTERNATIONAL HUMANITARIAN LAW - PROPOSED NATO
CONSULTATIONS

REFS: (A) USNATO 3269; (B) STATE 133067; (C) STATE 141053

1. FOLLOWING OBSERVATIONS AND BACKGROUND MAY BE USEFUL TO
MISSION IN PREPARING RECOMMENDATION (REQUESTED REF C) WHICH
RECONCILES NEED TO BE FORTHCOMING VIS-A-VIS ALLIES WITH
USG DESIRE TO MINIMIZE DUPLICATION OF CONSULTATIVE ARRANGE-
MENTS INVOLVING ALLIES.

2. IT IS UNCLEAR FROM KILLHAM'S PROPOSAL (REF A) EXACTLY
WHAT KIND OF CONSULTATIONS OR STUDY ARE ENVISAGED. MORE-
OVER,KILLHAM SEEMS TO BE CONFUSING ICRC CONFERENCE OF GOVT
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EXPERTS ON CONVENTIONAL WEAPONS WITH SEPARATE (BUT RE-

LATED) DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW WHICH IS HELD UNDER SWISS GOVERNMENT AUSPICES. REF B DESCRIBES NATURE OF WORK UNDERWAY IN EACH OF THESE CONFERENCES AND HOW THEY RELATE TO ONE ANOTHER.

3. REGARDING CONVENTIONAL WEAPONS SUBJECT, YOU SHOULD BE AWARE THAT NORWAY IS ONE OF USG'S PRIMARY OPPONENTS IN EXERCISE.

WE HAVE TALKED WITH NORWEGIANS OVER PERIOD OF TIME AND ARE CONVINCED THAT NORWEGIAN POSTURE IS RESULT OF FIRM GOVERNMENTAL DECISION NOT AMENABLE TO CHANGE THROUGH MULTILATERAL CONSULTATIONS. IT IS PARTLY FOR THIS REASON THAT PARIS GROUP (MENTIONED REF B) WAS SET UP. THIS GROUP (EC9 US CANADA) INCLUDES MOST NATO COUNTRIES, EXCLUDES NORWAY, AND CONSTITUTES MOST CONGENIAL FORUM FOR ENSURING FRENCH COOPERATION. PARIS GROUP HAS ON OCCASION ALSO INCLUDED JAPAN AND AUSTRALIA. AFTER PRELIMINARY CONSULTATIONS WITH UK AND CANADA, WE ARE REQUESTING THE FRENCH (SEPTEL) TO CONVENE A PARIS GROUP MEETING IN MID-SEPTEMBER IN ORDER TO BEGIN DISCUSSIONS PREPARATORY TO LUGANO MEETING. THIS MEETING WOULD INCLUDE BOTH FOREIGN AND DEFENSE MINISTRY EXPERTS. A POSSIBLE SUBJECT FOR NEXT PARIS GROUP MEETING COULD BE WHEN AND HOW TO AIR ISSUE IN NATO FORUM (USG IS ALREADY HAVING A SERIES OF BILATERAL DISCUSSIONS ON THIS SUBJECT).

4. REGARDING INTERNATIONAL HUMANITARIAN LAW BEING CONSIDERED AT DIPLOMATIC CONFERENCE, WE HAVE HAD CONSULTATIONS ON THE FOREIGN AND DEFENSE MINISTRY EXPERT LEVEL BOTH BILATERALLY WITH SEVERAL NATO ALLIES AND, ON A WIDER MULTILATERAL BASIS, IN THE WESTERN EUROPEAN AND OTHERS GROUP (WEO). GIVEN THE LARGE DIPLOMATIC CONFERENCE, EFFECTIVENESS IS INCREASED BY HAVING MUCH BROADER BASED GROUP. WE HAVE FOUND THAT BASIC COMMONALITY OF INTERESTS AND PERSPECTIVES ON INTERNATIONAL HUMANITARIAN LAW SPANS NOT ONLY NATO MEMBERS BUT ENTIRE WEO GROUP. FINALLY, WE NOTE THAT UK HAS TAKEN ON TASK PREVIOUSLY OF CONVENING IN LONDON ONE OR TWO WEO GROUP MEETINGS EACH YEAR IN ORDER TO COORDINATE POSITIONS IN ADVANCE OF DIPLOMATIC CONFERENCE.

5. CONSULTATIONS DESCRIBED ABOVE HAVE BEEN EXTREMELY USE-CONFIDENTIAL

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FUL IN DEVELOPING POSITIONS AND, TOGETHER WITH SEMI-ANNUAL NATO DISARMAMENT EXPERTS MEETINGS, CONSTITUTE EXTENSIVE CONSULTATIVE FRAMEWORK FOR CONCERTING POSITIONS WITH ALLIES. WE THEREFORE QUESTION NEED TO HAVE ADDITIONAL DUPLICATIVE MULTILATERAL CONSULTATIONS IN NATO.

6. YOU MAY WISH TO DRAW ON ABOVE IN PRIVATE DISCUSSION WITH KILLHAM AND, AS APPROPRIATE, WITH OTHER MISSIONS. WE

RECOGNIZE LEGITIMATE NATO INTEREST IN BOTH ICRC EXPERTS
CONFERENCE AND DIPLOMATIC CONFERENCE ON HUMANITARIAN LAW
BUT WISH TO ENSURE THAT ANY NATO DISCUSSION OR STUDY OF IS-
SUES IN THOSE CONFERENCES NOT JEOPARDIZE CONTINUED SUC-
CESS OF CONSULTATIONS IN PARIS GROUP AND WEO. FURTHERMORE,
WE DO NOT EXPECT TO HAVE USG PRELIMINARY POSITIONS ON SPEC-
IFIC RESTRICTIONS OR PROHIBITIONS ON USE OF CONVENTIONAL
WEAPONS READY UNTIL MID-SEPTEMBER. INGERSOLL

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